

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WHITESELL CORPORATION,

Plaintiff,

Case No. C-3:07-CV-099

-vs-

BAMAL FASTENERS LLC, et al.,

**District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz**

Defendant.

**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS OF THE
CHIEF MAGISTRATE JUDGE (DOC.#23) OVERRULING DEFENDANT'S
OBJECTIONS (DOC. #24) AND DENYING DEFENDANT'S MOTION TO DISMISS
(DOC.# 16)**

This matter comes before the Court pursuant to Objections (Doc. #24) to the Report and Recommendations of Chief Magistrate Judge Michael R. Merz (Doc.# 23) denying Defendant's Motion to Dismiss Plaintiff's Complaint (Doc. #16).

The Court has reviewed the comprehensive findings of the Chief Magistrate Judge pursuant to 28 U.S.C. Section 636(b) and Fed. R. Civ. P. 72(b), and has made a de novo review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections (Doc.# 24) are not well-taken and are hereby OVERRULED.

The Court ADOPTS the Report and Recommendations (Doc. #23) in it's entirety Ordering that Defendant's Motion to Dismiss be DENIED.

August 20, 2007

s/THOMAS M. ROSE

**THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE**